

~~CONFIDENTIAL~~

OGC HAS
REVIEWED.

INSPECTOR GENERAL
75-4186

5 DEC 1975

Executive Registry
75-9745

MEMORANDUM FOR: Director of Central Intelligence
FROM : Inspector General
SUBJECT : Employee's Appeal for Recompense

25X1A 1. Action Requested: Your decision is requested on the grievance of [REDACTED] who believes he should have been compensated for the shipment of his vehicle home to the US. Paragraph 7 has our recommendation.

25X1A 2. Background: [REDACTED] paid for a German-made car (an Opel) in Maryland in March 1971 before leaving on a tour of duty [REDACTED]. He 25X1A
25X1A accepted delivery of the car [REDACTED]. At that time Agency regulations provided for Government shipment of POV's, foreign or domestic, regardless of where purchased.

3. On 2 November 1972 the Agency sent a cable to the field which said that after 31 December 1972 foreign-made and foreign-purchased vehicles would have to be shipped home at the owners' expense. The change in policy was a reflection of Congressional intent as expressed in a Conference Report.

25X1A 4. [REDACTED] tour of duty [REDACTED] ended in June 1974, at which 25X1A
time his car was shipped to the US. He believes he should be reimbursed because the car was purchased in the US and he acted in accord with then existing regulations.

25X1A 5. Staff Position: OGC has opined that [REDACTED] car, although paid for in Maryland, was purchased abroad. This opinion was based on the intent of Congress; it noted though that the purchase was foreign under Maryland's Uniform Commercial Code as well. Therefore, under Agency regulations at the time of his return, he was not entitled to have it shipped at Government expense. OGC also has noted, however, that (1) Congress' intent, which was expressed in a Conference Report, does not have the effect of law and (2) the DCI can change Agency regulations or grant exceptions to them, but should do so as a matter of policy for which there is a general rationale which 25X1A
25X1A can be applied to all in similar circumstances. Even though granting that a mechanism for relief exists, OGC does not believe that Mr. [REDACTED] is entitled to relief (or that Messrs. [REDACTED] were entitled to the relief already granted to them, by previous DCI decision, with regard to shipment of their POV's).

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6. It is my belief that whether or not relief should be granted to [REDACTED] comes down to whether or not there are any grounds that warrant use of your special authority. I believe that such grounds exist, even though they are not as preponderantly one-sided as one might wish. These grounds are as follows:

a. There was slow and questionable notification to the field. The 2 November 1972 cable began with the words "Guidance herein tentative. . ."; the next cable was on 29 March 1973, three months after the deadline for shipping cars home at Government expense.

b. The revised regulation was not published until January 1974, more than one year later.

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c. There is a precedent from the aforementioned [REDACTED] cases. [REDACTED] was reimbursed for hardship and [REDACTED] because of special circumstances, yet in both cases the failure of Headquarters to give clear and timely notification to the field was cited as part of the justification. In the [REDACTED] case the justification also noted that when he went overseas the regulations called for reimbursement.

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d. The legal objections seem overly technical given that Mr. [REDACTED] ordered and paid for the car in Maryland and did so at a time when there would have been no question of his entitlement to have the car shipped back to the US at Government expense.

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7. Recommendation: Accordingly, I recommend that [REDACTED] be reimbursed the \$350 it cost him to ship his POV home. I agree with OGC that an affirmative decision in a case such as this one should be applicable to any who were in similar circumstances--in this case those who, before Congress made known its intent, were overseas and owners of foreign-made and foreign-purchased vehicles which were ordered and paid for in the US.

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[REDACTED]
Donald F. Chamberlain
Inspector General

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APPROVED: [REDACTED]

DATE: 8 DEC 1975

DISAPPROVED: _____

DATE: _____